United Nations A/HRC/39/NGO/96

General Assembly

Distr.: General
31 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the World Evangelical Alliance, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14423(E)

1814423

Please recycle

Viet Nam: Legislative and Governmental Restrictions on Freedom of Religion or Belief

1. The World Evangelical Alliance would like to draw the Human Rights Council's attention to the current challenges faced by religious minorities in Viet Nam, in particular Christian groups. While recognized and registered religious groups are able to manifest their beliefs with less governmental interference, groups without certificates of registration still suffer severe limitations. In November 2016, the National Assembly passed a new Law on Belief and Religion, which came into effect in January 2018. This law maintains the multi-stage registration process to attain recognition. Religious leaders continue reporting cases of governmental harassment, physical assault, arbitrary arrest and detention, sometimes even torture, strict surveillance, restriction on free navigation, property confiscation or vandalism, and rejection of various forms of permission.

The 2016 Law on Religion and Belief

2. The 2016 Law on Religion and Belief introduces some modest improvements for religious freedom, such as a more simplified procedures for recognized and registered groups to request permissions for religious activities, a new provision allowing individuals in pretrial detention to access religious literature and practice religious beliefs, or new provisions allowing expatriate churches to register their congregations.

3. Also, for the first time, the law mentions the possibility of claiming legal status for recognized religious groups. It also purportedly opens the door for these groups to get involved in educational, health, social protection, charitable, and humanitarian activities in conformity with relevant laws and regulations (Article 55).

4. The pending time for a registered religious group to obtain official recognition has reduced significantly from 23 years to 5 years. It seems however that the 5 years period starts with the entry into force of the new law and is not based on the date of establishment of the community in Viet Nam. Also, it means that a community still has to operate "illegally" for several years before it can claim official recognition, leaving them very vulnerable to government oppression.

5. Other provisions still show a high degree of intrusion of the government in internal affairs of religious organizations. Religious groups must submit to the government an annual list of their religious activities (Article 43). Certain activities need to seek explicit approval from corresponding authorities. For instance, prior to an internal conference, a religious organization must send an application for consideration to relevant authorities, with a detailed description of the purpose of the said conference, number of participants, content, concrete programs, times and venues anticipated, etc. (Article 45) In addition, a religious organization which wishes to modify their charter must also report to and request permission from the government (Article 24).

6. The new law also contains vague provisions, creating broad leeway for substantial restrictions on religious freedom in the interest of national security and public order. Several prohibitions are listed under art. 6 as reasonable rejections of religious practices and activities, including "undermining national defense, national security, national sovereignty, public order, public safety, and the environment," "doing harm to social ethics or others' health, life, dignity, honor, or property," "sowing division among the people," and "abusing belief and religious activities to gain personal benefit." Without further elaboration and precise explanation, these clauses can easily be abused to regulate, limit, restrict or forbid the exercise of freedom of religion and belief.

Compulsory Registration of Religious Communities

7. Although the new law has simplified the process for unrecognized religious groups to obtain certificates of registration, many communities still experience unreasonable burden and non-transparent rejection from the government. Churches also report that they often simply receive no answer to their request to be officially registered. The communities not able or willing to register continue suffering from severe governmental restrictions and intimidation.

8. Congregations affiliated with the registered Evangelical Church of Viet Nam – South who have a relatively small number of congregants were forced by provincial authorities to merge with larger churches in order to receive official status. Lead pastors of these congregations denounced these demands which have no legal

basis. Merging distant churches weakens these communities as the longer distances make it difficult for the members to attend church service.

9. Catholic bishops claim that local governments have applied additional and unnecessary hardship upon parishes in rural regions which applied for recognition. This burdensome enforcement was to discourage them from registering and was inconsistent with the promised national framework. The most problematic areas include the Central Highlands (Provinces of Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong), the Northwest Highlands, and Hoa Binh Province.

Physical Harassment, Arbitrary Arrests, Detention and Torture

10. Although some Hmong Protestant groups have been granted certificates of registration, they continue to be victims of violence and slander. Hmongs are an indigenous people living in the mountains in the North. Several Hmong Protestants have been extrajudiciarily arrested, interrogated, beaten in police custody, imprisoned and pressured to denounce their faith. In some villages, eviction has been established as a punishment for converts. Possessing Bibles or reciting worship services in their indigenous Hmong language is considered illegal. Even though they represent possibly 400'000 Evangelicals, the government does not accept the publishing of their religious material in Hmong language.

11. Pastor Nguyen Cong Chinh who has been ministering ethnic minority communities in the central highlands and is a long time pro-democracy activist, suffered from inhumane treatment while serving his 11-year prison sentence for "impeding national unity." At the An Phuoc prison in Binh Duong province, he was put in solitary confinement and endured torture. Local police in Pleiku, Gia Lai province also frequently threatened, arrested, and detained his wife Tran Thi Hong. Particularly, on March 30 2016, public security officials detained Hong and her son and seized their personal belongings while they were en route to a meeting with the U.S. Ambassador at Large for International Religious Freedom. Pastor Chinh was released and exiled with his wife and 5 children to the US on 28 July 2017.

Right to Property and Land Issues

12. In Viet Nam, all lands are State's possession and no individual or group can claim an ultimate ownership of the land. This fact creates a legal hardship for religious communities, as technically the State can take back land whenever it seems propitious. For the sake of economic development, urbanization and modernization projects, certain religious groups, unregistered and registered alike, have lost or are facing risks of losing large portions of their land and property. In fact, land conflict is one of the major sources of tension between the government and religious communities in Viet Nam.

13. In January 2016, a group of approximately 200 security officials and plainclothes police bursted into the Thien An Catholic Monastery, Thua Thien Hue Province. They intimidated and physically assaulted the residents and cut down trees within the property. The attack was allegedly to threaten and pressure the monastery's leaders to give up their land for a local tourism project.

14. In April 2016, Phu Phong Church in Binh Dinh province, a member of the Evangelical Church of Viet Nam-South, reported provincial officials ordered security forces to confiscate a plot of 1,000 m^2, which originally belonged to the church, for the formation of a public garden. While still under dispute, local authorities mobilized loaders and excavators to forcibly start the construction process.

15. The World Evangelical Alliance would like to ask the members of the Human Rights Council to discuss freedom of religion of belief with Viet Nam in order for the government to make further adjustments in view of bringing its laws and policies in conformity with international human rights standards.

Recommendations to the Government of Viet Nam

16. Review the 2016 Law on Religion and Belief and ensure that the State's legislative framework is consistent with international human rights standards. Precisely, provisions related to freedom of religion or belief must be congruent with article 18 of the ICCPR.

17. Clarify and provide concrete formulations of limitation clauses touching on religious practices and manifestations, remove and replace vague legal definitions, so that these provisions are not used to disregard legitimate manifestations of religious freedom.

18. Remove any administrative challenges to registration process of religious groups under consideration. Develop a uniform and transparent registration procedure. Provide clear and satisfactory reasons for rejection of any applications.

19. Allow all unregistered religious groups to freely exercise their freedom of religion or belief. Take all measures to stop any forms of restrictions and harassment against these communities.

20. Halt State and media propaganda against religious minorities and unrecognized religious groups. Promote a spirit of respect and tolerance in public media and official literature and integrate unbiased information about religions and beliefs as part of school education.

21. Appoint an independent commission to investigate suspected cases of torture, degrading treatments and obscure deaths in police custody and detention.

22. Handle land conflicts with religious groups in a fair and transparent manner. Respect right to property and stop authoritarian seizure of lands under dispute.